

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, January 9, 1964

The meeting was called to order by the Chairman, Howard J. Jones, January 9, 1964 at 7:30 P.M.

ROLL CALL

Present: Messrs. Gaus, Houston, Jones, Keep, Kelley, Mutz, Bennett—7.

Absent: Mr. Butterfield—1.

No. 1344

An appeal by Crown Developers to erect a new home set-back of 28 feet on Pleasant Grove Road all other homes built with a set-back of 50 feet to 52 feet. Ordinance states no building hereafter erected or structurally altered shall project beyond the average front yard line so established on Pleasant Grove Road, was considered. The petitioner was present, also Mr. Henry Fine. Mrs. Henry Houghtaling 2947 Pleasant Grove Rd., Mr. Cornelius Levensdaski 2937 Pleasant Grove Rd., Mr. James Ramey 2931 Pleasant Grove Rd., Mr. Thomas Shumway 3025 Pleasant Grove Rd., were present and were opposed to the granting of this appeal, stating that the beauty of the subdivision would be taken away if the structure would be built with this type of set-back.

Mr. Francis Fine stated that if the established set-back were observed the buildable part of the lot would be reduced to 17.5 feet contrary to Section 36-44.(4). After considerable discussion by the Board it was moved and supported that the appeal be granted. The Board found the existing structures have an unusually deep set-back of (50) feet. A similar situation existing at the north end of the block combined with the proposed construction would tend to create a "planned" court effect. Due to the adequate yard sizes there is no serious

impairment of light, air or view to the neighboring structures. To abide by the law a structure would be erected incompatible with the neighborhood.

Adopted by the following vote:

Yeas: (7).

Nays: (0).

No. 1345

An appeal by Arthur Jarvis to convert an open front porch into an enclosed front porch extending beyond established set-back line but no further than present open front porch, ordinance does not permit building beyond established set-back line, at 1014 E. North Street was considered. The petitioner was not present. There were no objections.

It was moved and supported that the appeal be granted, providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely effect the surrounding properties. The Board found that the buildings in this block are so constructed that the porch is an integral part of the structures. Due to similarities in surrounding properties there would be no harmful effect on the neighborhood.

Adopted by the following vote:

Yeas: (7).

Nays: (0).

The meeting adjourned at 8:10 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, February 13, 1964

February 13, 1964

City Hall

Lansing, Michigan

The meeting was called to order by the Chairman, Howard J. Jones, February 13, 1964 at 7:30 P.M.

ROLL CALL

Present: Messrs. Butterfield, Gaus, Houston, Jones, Keep, Mutz—6.

Absent: Messrs. Kelley and Bennett—2.

The September, October, November, December, and January minutes were approved.

No. 1346

An appeal by Inez Powers to erect an addition to west side of house reducing front yard from established set-back of 10 ft. 5 in. to 8 ft. 5 in., ordinance does not permit building beyond established set-back line in the "C" Two Family District at 327 W. Barnes Avenue, was considered. The petitioner was present, also Mr. Lowell Friar the contractor who stated that the variance would only be two feet and the addition would not be unsightly or distracting to the neighborhood. There were no objections. It was moved and supported that the appeal be tabled for a period of thirty (30) days for further study by the Board.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1347

An appeal by Francis Fine to erect a 100 sq. ft. sign on any lot in Somerset Subdivision where no home is erected, or on a lot where a model home is located, for a period not to exceed two (2) years, ordinance does not allow advertising sign exceeding ten sq. ft. in area is allowed in the "A" One Family Residence District in Somerset Subdivision, was considered.

Mr. Henry Fine, the petitioner's brother was present and explained that this is a new area for residences. The sign is designed specifically for the purpose of advertising new homes. Mr. Orton Watts 2424 Leon Street, Mr. Donald DeClair 2801 Colchester Road, Mr. Stanley Diehl 2825 Delta River Drive were present and stated they would be opposed to the location of the sign if it were placed close to their properties so as to block off their view. After consideration by the Board it was moved and supported that the appeal be granted subject to the following conditions under Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding property:

1. That the face of sign shall not exceed 100 sq. ft.
2. Maximum height of the sign shall not exceed 15 ft.
3. Sign shall be situated so as not to obstruct view for traffic or adjacent property owners.
4. Only one sign shall be permitted.
5. This variance expires one year from date issued. Application, for consideration of time extension may be made to Appeal Board 60 days prior to expiration of date.
6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Lights shall be turned off by 10:00 P.M. nightly.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1348

An appeal by Francis Fine to erect a 100 sq. ft. sign on any lot in Sunset Hills Subdivision where no home is erected, or on a lot where a model home is located for a period not to exceed two (2) years,

ordinance does not allow advertising sign exceeding ten sq. ft. in area is allowed in the "A" One Family Residence District in Sunset Hills Subdivision, was considered. Mr. Henry Fine was present and stated that the sign would be placed in such a manner as not to block the view of the neighboring properties. After discussion by the Board it was moved and supported that the appeal be granted subject to the following conditions under Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding property:

1. That the face of sign shall not exceed 100 sq. ft.
2. Maximum height of the sign shall not exceed 15 feet.
3. Sign shall be situated so as not to obstruct view for traffic or adjacent property owners.
4. Only one sign shall be permitted.
5. This variance expires one year from date issued. Application for consideration of time extension may be made to Appeal Board 60 days prior to expiration of date.
6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Lights shall be turned off by 10:00 P.M. nightly.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1349

An appeal by Siebrant VanKuiken to convert an open front porch into an enclosed front porch extending beyond established set-back line, but no further than present open front porch, ordinance does not permit building beyond established set-back line in the "B" One Family Residence District at 1229 Edward Street, was considered. The petitioner's daughter Miss VanKuiken was present. There were no objections. It was moved and supported that the appeal be granted providing adequate footing as approved by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty (evidence showed many similar variances in the block) as it will not adversely effect the surrounding properties.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1350

An appeal by William Traverse to convert an open stairs to second floor into an enclosed stairs reducing south front yard from established set-back of 17.1 to 13.8, ordinance does not permit building beyond established set-back line in the "C" Two Family Residence District at 621 Isbell Street, was considered. The petitioner was present and stated that this project would protect the tenants from the weather and improve the appearance of the property. There were no objections. After considerable consideration by the Board it was moved and supported that the appeal be tabled for thirty (30) days pending further study by the Board.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1351

An appeal by Francis C. Pratt to erect an addition reducing front yard from the established set-back of 21.9 to 15.75, ordinance does not permit building beyond established set-back line in the "A" One Family Residence District at 1517 Redwood Street, was considered. The petitioner was present and explained that this addition would improve the appearance of the house, also increase the size of the house to three (3) bedrooms, and would tend to balance off the front of the house. There were no objections. After much consideration by the Board it was moved and supported that the appeal be denied. The Board found that no hardship was evidenced, the request would serve only as a convenience to the applicant. In the "A" One Family Residence District the minimum set-back is 25 feet. The established yard depth in this area is 21.9 feet.

Adopted by the following vote:

Yeas: 5.

Nays: 1.

No. 1352

An appeal by Renaud Plastics to erect a factory addition, ordinance states a non-conforming use may not be structurally altered, in the "A" One Family Residence District at 5656 S. Cedar Street, was considered. Mr. Foster, attorney for the petitioner was present, he explained that Renaud needed additional office space and passed out brochures showing the factory layout. Mr. Charles Price 4231 Algonquin St., Detroit, Michigan objected to the project, he stated his taxes had been increased, and because of the commercial Zoning his acreage would not serve any useful purpose as a residential development. Mr. Sherman Lawton a nearby resident was present, he had no objections

and was looking for information only. After considerable discussion by the Board it was moved and supported that the appeal be granted. The Board found the use was in existence prior to annexation in September 1960, the manufacturing operation is not offensive to health, safety, or vision, and is appropriately located for circulation and proximity to traffic arteries.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1353

An appeal by Walter Archer to erect an addition to living room which will reduce front yard established set-back from 25.6 from sidewalk to 17.2 from sidewalk, no building being allowed to project beyond established building line in the "B" One Family Residence at 804 Gier Street. The petitioner was present stating this addition would be an improvement to the appearance of the property. After discussion by the Board it was moved and supported that the variance be granted, and the set-back be established 18 feet. The proposed addition would not extend as far into the yard as present front porch, the effect of new construction would provide an absolute increase in yard space and would tend to enhance the neighborhood and city.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

No. 1354

An appeal by William and Fred Falsetta to erect an addition to commercial building

reducing the north front yard as established from 21.9 ft. to 6.0 ft., ordinance not allowing building to project beyond the established building line in the "F" Commercial District at 1830 S. Logan St., was considered. Mr. William Falsetta was present, he said space was needed to eliminate crowded conditions in the kitchen, dining room, and ladies lounge. No room for expanding these areas under the present circumstances exists. Mrs. Dorothy Reik, 1311 Goodrich Street objected, she disapproved of the parking situation and that the addition was really on the Goodrich side and property evaluation has gone down considerably, she also wrote a letter to the Board with ten signatures of the neighbors objecting to this addition. Mr. and Mrs. W. McMullen 609 Cooper Street wrote a letter of objection. Mr. John Schafer 1415 Pettis St. objected to the traffic situation also and stated cars had been parked across the driveway of his property. Mr. Falsetta said he has an agreement with the Polish Hall to use their parking lot and he has instructed the drivers of delivery trucks not to park on Goodrich Street. After considerable discussion by the Board it was moved and supported that the appeal be granted, the Board found the location of the Casa Nova Lounge to be a buffer to street traffic and a hardship of limited building design in a commercial area.

Adopted by the following vote:

Yeas: 6.

Nays: 0.

The meeting adjourned at 9:05 P.M.

RAYMOND C. GUERNESY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, March 12, 1964

March 12, 1964

Lansing Michigan

The meeting was called to order by the Vice Chairman C. Bruce Kelley, March 12, 1964 at 7:30 P.M.

ROLL CALL

Present: Messrs. Butterfield, Gaus, Houston, Keep, Kelley, Mutz and Bennett—7.

Absent: Mr. Jones—1.

The February minutes were approved.

No. 1341

An appeal by Karl A. Vary to erect a warehouse, regulations prohibit expansion of an existing non-conforming land use in the "A" One Family Residence District at 5115 S. Pennsylvania Avenue, was considered. This appeal had been previously tabled pending a re-zoning of Mr. Vary's property. Re-zoning has not been accomplished as yet, therefore it was moved and supported that the appeal be tabled for a period of thirty (30) days, pending Council action on re-zoning.

Adopted by the following vote:

Yeas: 7.

Nays: 0.

No. 1346

An appeal by Inez Powers to erect an addition to the west side of her house, reducing front yard from established set-back of 10 ft. 5 in. to 8 ft. 5 in., ordinance does not permit building beyond established set-back line in the "C" Two Family District at 327 W. Barnes Avenue, was considered. After discussion by the Board it was moved and supported that the appeal be denied, the Board found no particular hardship to exist and that the variance would serve only as a convenience to the applicant. It was found not to be in the community interest, as encroachments such

as this threaten the stability of the neighborhood.

Adopted by the following vote:

Yeas: 7.

Nays: 0.

No 1350

A tabled appeal in the "C" Two Family Residence District at 621 Isbell St., to enclose a now open stair-way to second floor, reducing south front yard from established set-back of 17.1 to 13.8, ordinance does not permit building beyond established setback line, was considered. Following discussion by the Board it was moved and supported that the appeal be denied. The Board found the alleged hardship existed for several years and therefore cannot be considered of a compelling nature and that the petitioner is not deprived of reasonable use of property.

Adopted by the following vote:

Yeas: 7.

Nays: 0.

No. 1351

A re-hearing of an appeal by Francis C. Pratt to erect an addition at 1517 Redwood St. reducing the front yard from the established set-back of 21.9 to 15.75 (amended to 17 ft. 9 in.), ordinance does not permit building beyond established setback line in the "A" One Family Residence District, was considered. After discussion by the Board it was moved and supported that the appeal be denied. Due to uniformity of set-back in this block a variance as requested would be detrimental to surrounding property. The Board also found that this variance request did not show a hardship based on topography or irregular shape of lot as required by Section 36-12.(6) of the zoning code of Lansing.

Adopted by the following vote:

Yeas: 6.

Nays: 1.

No. 1355

An appeal by Keith Hamilton to alter and remodel a non-conforming building in the "A" One Family District at 5436 S. Cedar St., by installing two windows and one door, ordinance prohibits structural alterations to be made to non-conforming buildings, was considered. The petitioner was present. There were no objections. After consideration by the Board it was moved and supported that the appeal be granted. It was found that prior to annexation the business was a legal use under township zoning and that this variance would not adversely affect the surrounding properties.

Adopted by the following vote:

Yeas: 7.

Nays: 0.

No. 1356

An appeal by Eppler and McCarrick to erect and use a building located in the "F" Commercial District, at 1014-16 S. Washington Avenue for light repair, washing and general care of used cars to be sold on the premises, ordinance prohibits public garages as an accessory to a used car lot, was considered. The petitioner was present, Mr. Jack Born attorney for Manor House Apartments stated that this area is zoned "F" Commercial, Manor House has a residential project of a million dollars in the area. Equitable Life, the mortgage holder and Manor House are both opposed to this appeal. Mr. Born stated, "If this variance were proper, this project should be in the "H" Light Industrial District." He also asked if this was a new lease. Mr. Eppler stated this is a hardship, he needs a building for adequate facilities in a business of this type, Mr. Bondy is leasing the property and his lease is not a new one. Mr. Les Foote was present and spoke in favor of this appeal. Mr. Foote stated

that he and Mr. Eppler had been in business in this area for approximately thirty five (35) years and taxes are about \$741.90 per month on their combined properties throughout the city. After much consideration by the Board it was moved and supported that the appeal be denied.

Lost by the following vote:

Yeas: 3.

Nays: 4.

It was moved that the appeal be tabled for thirty (30) days to allow documentation of hardship.

No. 1357

An appeal by John B. Wade to remove existing private garage and erect a kitchen reducing rear yard from 9 ft. 6 in. to 6 ft. 0 in., also permit structural alterations to a non-conforming building in the "C" Two Family Residence District at 609 S. Butler Blvd., was considered. The petitioner was present. There were no objections. After discussion by the Board, it was moved and supported that the appeal be granted, under (7) Section 36-12 as the Board found the variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty and will be in the public interest by providing additional yard space.

Adopted by the following vote:

Yeas: 7.

Nays: 0.

The meeting adjourned at 9:05 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, April 9, 1964

The meeting was called to order by the Chairman, Howard J. Jones, April 9, 1964 at 7:30 P.M.

ROLL CALL

Present: Messrs. Butterfield, Gaus, Houston, Jones, Mutz, Bennett—6.

Absent: Messrs. Keep and Kelley—2.

It was moved and supported that the appeals No. 1341 and 1356 be taken from the table.

No 1341

A tabled appeal by Karl A. Vary to erect a warehouse in the "A" One Family Residence District at 5115 S. Pennsylvania, regulations prohibiting expansion of an existing non-conforming land use, was further considered. After discussion by the Board it was moved and supported that the appeal be denied, it was found that this variance would seriously affect the surrounding property, would not be in keeping with the comprehensive plan, and a rezoning for a portion of the property has been granted by City Council.

Adopted by the following vote:

Yeas—6.

Nays—0.

No. 1359

An appeal by Keith Drake to erect a one family dwelling reducing the front yard from the established set-back of 33 ft. 8 in. to 31 ft. 0 in. in the "A" One Family Residence District at 2425 Hanover Drive, ordinance does not allow building ahead of the established set-back line, was considered. The petitioner was present and stated he would like to have this variance granted due to the hardship involved in moving the foundation. Mr. J. Grammatico, contractor stated that this was a corner lot, it is 100 ft. x 100 ft. the back yard would be 36 ft., the same problem existed with the corner house at the west of the street. Mr. Paul Gillett, a mortgage holder spoke for his mortgagee, he was in favor of the appeal, also Mr. Richard Neller, developer of Country Club Park and Mr. Gordon E. Walter 1408 W. Washtenaw owner of property in the area had no objections to this variance, and expressed their opinion that if the house were to be set back further it would not enhance the neighborhood. It was moved and supported that the appeal be granted as the Board found that a demonstrable hardship existed and the resultant development would not harmfully affect the adjacent property or the surrounding neighborhood.

Adopted by the following vote:

Yeas—6.

Nays—0.

No. 1360

An appeal by C. LaVerne Roberts to erect a front addition reducing the front yard from 20 ft. 8 in. as established by the developed property in the block, to 11 ft. 1 in. and to erect a rear addition reducing the rear yard from 25 ft. 0 in. to 13 ft. 0 in. in the "D" Apartment District, at 723 N. Walnut St., was considered. The petitioner was present, he stated that he would like to remove the back porch which would supply more room for the kitchen, the front addition would be for the purpose of keeping records, not to make an office out of the extra space. Mr. DeForest 717 N. Walnut and Mr. Carl

No. 1356

A tabled appeal by Eppler and McCarrick to erect and use a building for light repair, washing, and general care of cars to be sold on the premises in the "F" Commercial District at 1014-16 S. Washington, ordinance prohibits public garages as an accessory to a used car lot, was again considered. After discussion by the Board it was moved and supported that this appeal again be tabled for thirty (30) days pending the presence of all the Board members before making a final and definite decision.

Miller, 321 W. Madison objected stating that the rear of the houses were almost together now. There was already a parking problem the owners of cars have to leave the keys in the cars so they can easily be moved if in each others way, also Mr. Miller's view would be blocked from his back yard if this variance were to be granted. Mr. Jack Hanes 323 W. Madison, asked if Mr. Roberts was erecting a kitchen or an additional apartment, Mrs. Roberts stated that there were already three apartments in the house and she only wanted to enlarge her kitchen and have adequate storage space for her husband's records. Mr. Jack J. Russel, 415 W. Madison had no objections. Mr. Crowley, contractor stated that the variances had been misinterpreted, Due to some inaccuracy in measurements and misinter-

pretation it was the decision of the Board to table this appeal pending further information and facts.

It was moved and supported that this appeal be tabled for thirty (30) days.

Adopted by the following vote:

Yeas—6.

Nays—0.

The meeting adjourned at 8:15 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, May 14, 1964

May 14, 1964

The meeting was called to order by the Chairman, Howard J. Jones, May 14, 1964.

ROLL CALL

Present: Messrs. Butterfield, Gaus, Houston, Jones, Keep, Kelley and Mutz—7.

Absent: Mr. Bennett—1.

It was moved and supported that Appeal No 1356 be taken from the table.

Motion passed.

The appeal, by Eppler and McCarrick, to erect and use a building for light repair, washing, and general care of cars to be sold on the premises in the "F" Commercial District at 1014-16 S. Washington Ave., ordinance prohibits public garages as an accessory to a used car lot, was considered. The Board discussed the relationship of this case to the adjacent property on the south, (Maguire case) for which an appeal was recently granted. Mr. Houston stated there should be a higher use of the land, not a compounding of the improper land use, concurs with the recommendations of the "Zoning Primer" by Rady and Smith, which were entered as a portion of the Boards Report. Hardsurfacing requirements for the property were discussed.

It was moved and supported that the appeal be granted.

Yeas: (4).

Nays: (3).

Motion failed for lack of required votes.

No. 1360

It was moved and supported that the appeal No. 1360 be taken from the table.

Motion passed.

This appeal is to erect a front addition reducing the front yard from 20 ft. 8 in. as

established by the developed property in the block, to 11 ft. 0 in. and remove the existing 7 ft. 6 in., rear addition and replace it with a 12 ft. addition reducing the rear yard from 26 ft. 14 in. in the "D" Apartment District, at 728 N. Walnut St. The petitioner was present and stated he wanted a two foot addition to the rear taking off the back porch and making the kitchen larger, also enclose the front porch and enlarging it a little. Mr. Grover DeForest, 717 N. Walnut was present and said he didn't understand about the front porch enclosure, he had no objections providing Mr. Roberts didn't start a business at this location. Mr. DeForest objected to the over-crowding of the neighborhood with four and five apartments in a single house, causing a congested area for parking. Mr. Jack Russell, 415 W. Madison St. stated by letter he had no objections to this variance. The Board found the present lot to be 3,740 sq. ft., present zoning is "C" Two Family which requires 2,000 sq. ft. per family. There are seven sub-standard parcels, split from the original platted lots, each with a structure. A cause of blight is often insufficient open space and over-crowding of land by buildings.

It was moved and supported that the appeal be denied. There being no justification for granting of this variance as no unnecessary hardship or unusual practical difficulties were found to exist.

Adopted by the following vote:

Yeas: (6).

Nays: (1).

No. 1361

An appeal by Wayne A. Miller to convert an open front porch into a glass enclosed porch extending beyond the established setback line but no further than present open front porch in the "C" Two Family District at 924 Wisconsin St., ordinance does not allow building ahead of the established setback line, was considered. The petitioner was present, he explained he would like this enclosure to keep out the winter cold and to reduce the high cost of fuel. Mrs. Mary Marks 925 Wisconsin St. stated she had no objections to this project.

There were no objections presented.

Moved and supported that the appeal be granted providing adequate footing as determined by the Building Inspector is provided under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely effect the surrounding properties.

Adopted by the following vote:

Yeas: (7).

Nays: (0).

No. 1362

An appeal by Floyd M. Dingee to erect a one family dwelling reducing the rear yard from 30 ft. 0 in. to 8 ft. 0 in. in the "A" One Family Residence District at 3830 Weger Place, ordinance requires a rear yard of 30 ft. 0 in. the rear yard opposite the frontage with the least dimension, was considered. The builder Mr. Dingee was present. There were no objections. The Board found this being a corner lot having two front yards would leave a shallow rear yard, also the irregular shape of this lot would be impractical to consider the rear yard of this lot as being opposite the frontage with the least dimension.

It was moved and supported that the appeal be denied and that a variance be granted reducing the rear yard from 30 ft. to 13 ft.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1363

An appeal by J. P. Bowler to convert an open front porch into a glass enclosed porch extending beyond the established set-back line but no further than present open front porch in the "B" One Family Residence District at 400 N. Hayford St., ordinance does not allow building ahead of the established set-back line, was considered. The petitioner was not present. There were no objections.

It was moved and supported that the appeal be granted, providing adequate footing as determined by the Building Inspector is provided under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the surrounding properties.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1364

An appeal by Harley Webster to convert an open front porch into an enclosed porch extending beyond the established set-back line but no further than present open front porch in the "F" Commercial District, at 910 S. Holmes St., ordinance does not allow building ahead of the established set-back line, was considered. The petitioner was not present. There were no objections. It was moved and supported that the appeal be granted, providing adequate footing as determined by the Building Inspector be provided, under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not effect the surrounding properties.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1365

An appeal by Max Curtis Ford Truck Inc. to erect an addition which will reduce the south side yard from 4 ft. 0 in. to 0 ft. 0 in. in the "F" Commercial District, at 5103 S. Cedar St., ordinance requires a 4 ft. 0 in. side yard when abutting residentially zoned property. The petitioner was not present. Mrs. Rhea H. Jenkins 534 E. Jolly Rd. did not object but did view the plot plans for this project. There were no objections. The Board found the variation to be in harmony with the general purpose and intent of the ordinance, and that no major difficulty existed that would effect the surrounding properties. The petitioner's property is being considered by the City Council for "F" Commercial Zoning.

It was moved and supported that the appeal be granted under (6) Section 36-12 of the Lansing Zoning Ordinance.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1366

An appeal by Clyde C. Randall to convert an open front porch into a glass enclosed front porch extending beyond the established set-back line but no further than present open front porch in the "B" One Family Residence District, at 2430 Kensington Rd., ordinance does not allow building ahead of the established setback line, was considered. The petitioner was present and stated that the addition was self-explanatory. There were no objections. It was moved and supported that the appeal be granted, providing adequate footing as determined by the Building Inspector be

provided, under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not affect the surrounding properties.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1367

An appeal by Jerry Lee to erect a one family dwelling reducing the side yard from the required 10% of the lot width or 9.275 to 6.75 in the "A" One Family District at 1005 Shelter Lane, ordinance requires a side yard having a width of not less than 10% of the average width of the lot, was considered. Mr. Lee the petitioner was present and explained the error was made because of the wrong measurements in the building layout. There were no objections. After considerable discussion by the Board it was found that there would be a great amount of difficulty in achieving corrective action for this development, further it was found that this addition would not seriously effect the adjoining property.

It was moved and supported that this variance be granted.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1368

An appeal by Earl J. Heinritz to erect an addition to the living quarters of a non-conforming building in the "C" Two Family Residence District, at 538 Isbell St., ordinance does not permit a non-conforming building to be enlarged or structurally altered, was considered. The petitioner was present. There were no objection. The Board found that because of the large lot neither the character of the neighborhood or the adjoining property would be affected by this variance.

It was moved and supported that the appeal be granted and that the addition comply with the zoning ordinance yard requirements.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1369

An appeal by Robert J. McKinstry to erect an addition reducing the front yard

from 12 ft. to 8 ft. in the "B" One Family Residence District at 1023 Cawood St., ordinance requiring, where a lot is located at the intersection of two streets, a front yard on each street side, except the buildable width of such lot shall not be reduced to less than 25 ft., was considered. The petitioner was present. There were no objections.

After discussion by the Board it was moved and supported that the appeal be granted, under Section 36-12 of the Lansing Zoning Code. The Board found a practical difficulty to be present because of the restrictions and arrangement of the lot. The Board further found that this addition would not affect light, air or view of adjoining properties or have a harmful affect on the character of the neighborhood.

Adopted by the following vote:

Yeas: (7).

Nays: None.

No. 1370

An appeal by Robert L. Johnson, to erect a warehouse building reducing the side yards on each side of the building from 4 ft. 0 in. to 0 ft. 0 in. in the "G-2" Wholesale and "D" Apartment Districts at 1124 S. Grand Ave., ordinance requires a 4 ft. 0 in. side yard when a lot abuts upon the side yard zoned for dwelling purposes, was considered. The abutting property on both sides is zoned "D" Apartment. Mr. Donald Hines attorney for the petitioner stated Mr. Johnson wanted to erect a new warehouse building, which would approve the appearance of the neighborhood. Mr. Hines also explained this addition would alleviate the neighborhood of the unsightly appearance of refuse and the furniture store being across the alley would improve the motivation of business activity between the two places. Mr. Walter Martini 1126 S. Grand Ave. had no objections to this variance. Mr. and Mrs. Arthur Harter 1720 Herbert Ave., Mr. Leroy Fritts, Dimondale, Michigan and Mr. Edward Eisele 2119 Lyons Ave., were not in favor of this variance. Mr. Eisele spokesman for the group stated there was already too much traffic on Grand Ave., the warehouse would be the only commercial property in the block. A hazard would be created in case of a fire because there was not enough area for a thoroughfare for fire fighting equipment. The back wall of the warehouse would be a target for bottles. Also this addition would require the removal of a tree. There are three elderly ladies living next door to the warehouse, the youngest is in her early seventies. Mr. Eisele also requested that a copy of the minutes be sent to him. Mrs. Elizabeth Maloney 1106 Pratt St. stated by phone she is not in favor of this appeal. The Board found there were residential dwellings on both sides, "G-2" Wholesale rezoning has been granted the petitioner, except the east 20 ft. which was left in

"D" Apartment Zone. The Board discussed the legislative body's intention when the rezoning was approved that the builder would construct a building that would be in harmony with the neighborhood. Granting of this appeal would only serve as a convenience to the applicant, and would reduce light, air, view and add to the conjunction of the adjoining residential properties.

It was moved and supported that the appeal be denied.

Lost by the following vote:

Yeas: (4)

Nays: (3).

It was then moved and supported that the appeal be granted.

Yeas: (2).

Nays: (5).

Appeal denied for lack of required majority vote as required by Section 36-12 of the Lansing Code.

No. 1371

An appeal by the Lorenz Brothers Inc. to erect an office building addition reducing the rear yard from 25 ft. 0 in. to 10 ft. 0 in. in the "F" Commercial District at 2407 E. Michigan Ave., ordinance requires that the interior lots have a 25 ft. 0 in. rear yard, was considered. The petitioner was present. He stated the addition would have

two windows, one to the south and one to the west, also space for a telephone and closets. The windows would be so situated as not to interfere with the privacy of the residential properties. Mrs. Bernice Green 110 N. Foster whose property is located behind Mr. Lorenz asked that a fence be erected on the north property line. She stated seeing people walking around on her property while viewing cars from Mr. Lorenz car lot, and she likes to enjoy her leisure hours in her back yard with some privacy. Also present were Mrs. Richard Hammond 1106 Sheridan, Mrs. Lyle Padgett 4315 Mar Moor Rd. and Mrs. Jack Kitsmiller 2336 E. Mt. Hope, Okemos. Mr. Lorenz agreed to erect a fence for privacy of residential properties.

After discussion by the Board it was moved and supported that the appeal be granted under Section 36-12 (6) of the Lansing Zoning Code, due to the irregular shape of the lot. This approval is subject to the stipulation that a 6 foot redwood fence or a cyclone type fence with redwood slats, be provided on a line 33 ft. south and parallel to the north line of Lot 298 Foster Farms Addition.

Adopted by the following vote:

Yeas: (7).

Nays: None.

The meeting adjourned at 9:20 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, June 11, 1964

June 11, 1964

The Public Hearing was called to order by the Chairman Howard J. Jones, June 11, 1964 at 7:30 P.M.

Because of the absence of Messrs. Bennett, Kelley and Mutz therefore a quorum not present, the meeting was recessed after the hearing until June 18, 1964 at 12:00 Noon.

ROLL CALL

Present: Messrs. Bennett, Gaus, Houston, Jones, Kelley and Mutz—6.

Absent: Messrs. Butterfield and Keep—2.

The minutes from the regular meetings of March, April and May were approved.

A resolution was passed unanimously by the Board commending Mr. John Mutz for his years of service to the City of Lansing as a member of the Planning Board from 1958 to 1962 and also as a member of the Board of Appeals from 1950 to 1964.

It was moved and seconded that a gavel be given Mr. Mutz for services rendered.

Adopted unanimously.

No. 1372

An appeal by Harold Easterbrook to erect an addition reducing the east front yard from the required 20 ft. to 14.2 ft. in the "B" One Family Residence District at 851 Greenlawn Avenue, ordinance requiring where there is a lot located at the intersection of two streets there shall be a front yard on each street of 20 ft., was considered. The petitioner was present, also Mr. Charles Bland the contractor, who asked about the 20 ft. yard minimum.

There were no objections.

After discussion by the Board it was moved and supported that the appeal be granted in accordance with Section 36-12.(6) of the Lansing Zoning Code. An unusual practical difficulty was found

in that this property lies directly across the street from heavy industrial zoning and has no natural man-made buffers. The Board found that due to the location of the structure on the site, and relation to the neighborhood the variation would not harmfully affect any adjoining property or the general welfare.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1373

An appeal by Donald Schultz to erect a front vestibule addition reducing the front yard from the established set-back of 19.2 ft. to 14.1 ft. in the "B" One Family Residence District at 235 Elvin Court, ordinance not allowing building ahead of the established set-back line, was considered. The petitioner was present and stated the residence next door has a vestibule. The extra closet space was needed for wraps.

There were no objections.

After discussion by the Board it was moved and supported that the appeal be granted in accordance with Section 36-12.(6) of the Lansing Zoning Code as this addition will in no way infringe upon adjacent property owners rights and would enhance the value of the property and the neighborhood.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1374

An appeal by Paul McComber to convert an open front porch into a glass enclosed porch extending beyond the established set-back line but no further than present open front porch in the "B" One Family Residence District at 1116 Bensch St., ordinance does not allow building ahead of the established set-back line, was considered. The petitioner was not pre-

sent. There were no objections. After discussion by the Board it was moved and supported that the appeal be granted providing adequate footing as determined by the Building Inspector be provided, under Section 36-12.(6) of the Lansing Zoning Ordinance to relieve a practical difficulty and it will not adversely effect the surrounding properties.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1375

An appeal by Ronald A. Haruska to erect a front addition reducing the east front yard from the established set-back of 35 ft. to 26 ft. 1 in. in the "A" One Family Residence District at 1523 Glenrose, ordinance does not allow building ahead of the established set-back line, was considered. The petitioner was present. There were no objections. After discussion by the Board it was moved and supported that the petition be denied. The Board found no obvious hardship to exist, the yard is sufficiently large and has a rear yard that would allow expansion for building and the view of those in the center of the block toward Bassett Park would be impaired if this variance were allowed.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1376

An appeal by Neil T. Jones to erect an attached garage reducing the side yard from the required 9.7 ft. to 8.09 ft. in the "A" One Family Residence District at 2742 Fireside Drive, ordinance requires a side yard of not less than 10% of the width of the lot, was considered. The petitioner was present and stated he would like to add to his petition that a service door be installed for the use of collecting mail and also for easier access for the children.

There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the Lansing Zoning Code. The Board found this variance would be in keeping with the general intent of the law, that requires yard space to allow sufficient light, air and view, this would in no way infringe upon the rights of future development or have any effect on the character of the neighborhood.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1377

An appeal by Beneicke and Krue to erect a 100 sq. ft. sign on any lot in Groesbeck Hills Subdivision No. 10 where no home is erected or on a lot where a model home is open for a period of two (2) years in the "A" One Family Residence District, ordinance limits this type of sign to 10 sq. ft. in area, was considered. The petitioner was not present.

There were no objections.

It was moved and supported that the appeal be granted subject to the following conditions under Section 36-12.(7) of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding property:

1. That the face of sign shall not exceed 100 sq. ft.
2. Maximum height of the sign shall not exceed 15 feet.
3. Sign shall be situated so as not to obstruct view for traffic or adjacent property owners.
4. Only one sign shall be permitted.
5. This variance expires one year from date issued. Application, for consideration of time extension may be made to Appeal Board sixty (60) days prior to expiration of date.
6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Lights shall be turned off by 10:00 P.M. nightly.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1378

An appeal by Thomas Montgomery to convert an open front porch into a glass enclosed porch extending beyond the established set-back line but no further than the present open front porch in the "C" Two Family Residence District at 909 May St., ordinance does not allow building ahead of the established set-back line, was considered. The petitioner was not present.

There were no objections.

After discussion by the Board it was moved and supported that the appeal be granted providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-45.(4) of the Lansing Zoning Ordinance to relieve a

practical difficulty as it will not effect the surrounding properties.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1379

An appeal by Fred E. Carmack to erect an attached garage reducing the side yard from the required 6.6 ft. to 3 ft. in the "A" One Family Residence District at 4702 Ora St., ordinance requires a side yard of 10% of the lot width, was considered. The petitioner was not present.

There were no objections.

After consideration by the Board it was moved and supported that the petition be denied. The Board found this variance would affect the property to the south, denying it of air, light and view. This property sets back 15 ft. further from the property line than others in this block. If the petitioner desires he can build a large enough garage in the rear yard to meet his needs.

Adopted by the following vote:

Yeas: (6).

Nays: None.

No. 1380

An appeal by the Freund Construction Co. to erect a private garage reducing the set-back from the front property line from

60 ft. to 54 ft. in the "A" One Family Residence District, ordinance requires a private garage not constructed as a part of the main building to be located not less than 60 ft. from the front property line, was considered. The petitioner was present. Mr. John Seeley, industrial engineer for the John Bean Co. was present and stated the garage would be a nice neat looking structure, could be set back further if need.

Mr. David Blin 528 Highland, East Lansing was present.

Mr. Alfred Krater, 3325 Glasgow Drive lives next door to the property and stated he had no objections.

After consideration by the Board, it was moved and supported that the appeal be granted subject to:

1. Compliance with the building code when securing a building permit.
2. Provision of adequate footings as determined by the Building Inspector for the structure.

The Board found this variance would not be detrimental to the community.

Adopted by the following vote:

Yeas: (6).

Nays: None.

The meeting adjourned at 12:20 P.M.

RAYMOND C. GUERNSEY,
Secretary.

B/C

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, July 9, 1964

July 9, 1964

City Hall

Lansing, Michigan

The Public Hearing was called to order by the Chairman Howard J. Jones, July 9, 1964 at 7:30 P.M.

Because of the absence of Messrs Bennett, Butterfield and Houston therefore a quorum not present, the meeting was recessed after the hearing until July 15, 1964 at 7:00 A.M.

ROLL CALL

Present: Messrs. Alfaro, Butterfield, Gaus, Jones, Keep, Kelley—6.

Absent: Messrs. Bennett and Houston—2.

The minutes from the regular meeting of June were approved.

No. 1381

An appeal by Marie Cranson to use the subject property for a home for the aged with an occupancy of three (3) patients, one of which may be non-ambulatory in the "B" One Family Residence District at 1209 W. Saginaw St., ordinance permits one family not to exceed two (2) roomers, (Section 36-19), was considered. The petitioner was present and presented letters from her neighbors who had no objection to this project, they were Mr. and Mrs. R. Georgia 912 Cleo St., Mrs. Garnet Palmer 524 Bartlett St., Mrs. Pearl Bates 1203 W. Saginaw St., Mr. Francis Crawford 516 Carey St., Mrs. Alice Wheeler, 615 E. Bartlett, Mr. and Mrs. Shirley Sunday, 1217 W. Saginaw St., Mrs. Dorothy Wildt, 619 Bartlett was present and had no objections. Mr. Ray E. Vander Moere 516 Woodhaven Dr. did not object. Mr. Floyd C. Easterbrooks, 1005 W. Saginaw spoke in favor of the appeal. After discussion by the Board it was moved by Gaus, supported by Kelley that the appeal be granted in accordance with Section 36-12.(7) of the Lansing Zoning Code. The Board found that the establishment as presently operated provides a healthy, happy environment without detrimental affect to the surrounding area and that a practical difficulty existed. The

variance is granted subject to termination of operations by the applicant and or departure of the non-ambulatory individual.

Adopted by the following vote:

Yeas: Alfaro, Butterfield, Gaus, Jones, Keep, Kelley—6.

Nays: None.

No. 1382

An appeal by Floyd A. Corbin to convert an open front porch into a glass enclosed porch extending beyond the established set-back line but no further than present open front porch in the "B" One Family Residence District at 813 Lenore St., ordinance does not allow building ahead of the established set-back line, (3644.(4)), was considered. The petitioner was not present. There were no objections. Mr. and Mrs. Clinton Geiger, 2005 Stirling Ave. stated by letter they had no objections to the front porch enclosure. After discussion by the Board it was moved by Gaus supported by Kelley that the appeal be granted providing adequate footing as determined by the Building Inspector be provided under Section 36-12.(6) of the Lansing Zoning Code to relieve a practical difficulty and it will not adversely effect the surrounding properties.

Adopted by the following vote:

Yeas: Alfaro, Butterfield, Gaus, Jones, Keep, Kelley—6.

Nays: None.

No. 1383

An appeal by Warner Long Realty to erect a real estate sign in the "D-M" Multiple Dwelling District at 3035 S. Washington Ave., ordinance prohibits advertising signs exceeding 10 sq. ft. in the area (36-22), was considered. The petitioner was not present. Rev. O. G. Holsopple, Pastor of the First Church of the Brethren was present, seeking information about the sign. He had no opinion because his Board had not met on this matter. He wanted to know if a high rise tower would be built in the area and why the original sign

had been removed. He found nothing objectionable about it. Mr. E. Brown, planner on the staff explained the sign had to be removed because it had been placed there without a building permit, also the dimension of the sign would be 3 ft. x 7 ft. Mrs. Margaret Small owner of property at 3133 Washington Ave. asked where the sign would be erected. She stated it is to the citizen's best interest to protect the quality of the neighborhood. There were no objections. It was moved by Gaus supported by Butterfield that the appeal be granted subject to the following conditions under Section 36-12.(7) of the Lansing Zoning Code to relieve a practical difficulty as it will not adversely effect the surrounding property:

1. That the face of sign shall not exceed 100 sq. ft.
2. Maximum height of the sign shall not exceed 35 feet.
3. Sign shall be situated so as not to obstruct view for traffic or adjacent property owners.
4. Only one sign shall be permitted.
5. This variance expires one year from date issued. Application, for consideration of time extension may be made to Appeal Board sixty (60) days prior to expiration of date.
6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Lights shall be turned off by 10:00 P.M. nightly.

Adopted by the following vote:

Yeas: Alfaro, Butterfield, Gaus, Jones, Keep, Kelley—6.

Nays: None.

Nos. 1384, 1385, 1386 and 1387

Appeals by Howard Johnson Restaurant to erect advertising signs in the "A" One Family Residence District at S. Cedar—Pennsylvania, I-96 Interchange, ordinance does not permit advertising signs in the "A" One Family Residential District (36-17.(9)), was considered. The petitioner Mr. Johnson was present, he explained that he is the franchise operator of the restaurant. There is a possibility that a motor lodge will be erected in this area, the signs can be used for both the lodge and the restaurant. These signs are directional signs, they are needed very badly. There was a similar situation in Saginaw, Michigan where signs had to be erected. Mr. Jack Warren, attorney for Howard Johnson stated the critical need for the signs,

admitted he had been in error when the signs were erected without obtaining a building permit. The surrounding area would not be effected because the area is agricultural. Mr. Warren displayed photos of the signs explaining they were modest signs, two (2) signs located on the freeway, one on the south side, the other on the north side of I-96. Photos were presented to show the complexity of the general area and the openness of the terrain. The restaurant is located at a level below the highway where it cannot be seen from the freeway. The signs also encourage the driver to leave the highway when he becomes fatigued and hungry! Mr. Warren has talked with Mr. Skory and he has no objections to the signs, also a letter was received from the Kahres Dairy Co. stating they did not object. After discussion by the Board it was moved by Alfaro, supported by Gaus that the appeals be tabled for further study.

Adopted by voice vote.

No. 1375

Mr. Haruska was present and requested reconsideration of his appeal. He stated his project had been mis-construed, this variation would not be living quarters, nor would it be heated. He admits he was wrong (through a misunderstanding) for building before obtaining a permit. Mr. Haruska wrote the Board a letter and submitted a petition with his neighbors signatures. He also stated there were two (2) houses and one (1) garage with set-backs closer to the street than his, asked that the Board reconsider his appeal.

It was moved by Gaus, supported by Butterfield that appeal by Ronald A. Haruska to erect a front addition reducing the east front yard from the established set-back of 35 ft. to 26 ft. 1 in. in the "A" One Family Residence District at 1523 Glenrose St., ordinance does not allow building ahead of the established setback line, (36-44.(4)), be reconsidered.

It was moved by Keep supported by Jones that the appeal be granted and the applicant be given a letter of reprimand. The Planning Staff and Chairman Jones will compose the letter.

Adopted by the following vote:

Yeas: Alfaro, Butterfield, Gaus, Jones, Keep, Kelley—6.

Nays: None .

The meeting adjourned at 8:00 A.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, August 13, 1964

August 13, 1964
Court Room No. 1
City Hall
Lansing, Michigan

The Public hearing was called to order
by Vice-Chairman C. Bruce Kelley at 7:39
P.M.

ROLL CALL

Present: Messrs: Alfaro, Butterfield,
Gaus, Houston, Keep, Kelley—6.

Absent: Messrs: Bennet and Jones—2.

ELECTION OF OFFICERS

Nominations were opened for the office
of Chairman:

Motion and seconded that Mr. Houston
be nominated.

Motion and seconded that the nominations
be closed and that Mr. Houston be named
Chairman.

Motion carried unanimously.

Nominations were opened for the office
of Vice-Chairman.

Motion and seconded that Mr. Gaus be
nominated.

Motion and seconded that the nomina-
tions be closed and that Mr. Gaus be
named Vice-Chairman.

Motion carried unanimously.

MINUTES

Minutes of the meeting of July 9th
were approved.

No. 1388

An appeal by Daniel Pulter to convert
an open front porch into a glass enclosed

porch extending beyond the established
set-back line but no further than present
open porch contrary to Section 36-44.(4)
of the Zoning Ordinance in the "B" One
Family Residence District at 827 N. Logan
Street. Zoning Ordinance does not allow
building ahead of the established set-back
line. The petitioner was not present. There
were no objections.

It was moved and supported that the
appeal be granted under Section 36-12.(6)
of the Lansing Zoning Code providing ade-
quate footings as determined by the Build-
ing Inspector are constructed. The Board
found that the enclosure of the porch would
be within the character of the surrounding
area. The light and air to adjacent prop-
erties would not be affected by the enclosure
of this porch. The front yard area would
not be affected by the enclosure and is
similar to the adjacent property owners.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

No. 1389

An appeal by Donald A. E. Smith to erect
an attached garage reducing the side yard
from the required 10% of the lot width (7.2
ft. to 3 ft.) contrary to Section 36-44.(3)
of the Zoning Ordinance in an "A" One
Family Residence District at 3823 Home-
wood. The Ordinance requires a side yard
of not less than 10% of the average width
of the lot. The petitioner was not present.
There were no objections.

It was moved and seconded that the
appeal be denied based on the findings that
the granting of this appeal would allow
a special privilege which is prohibited by
the Zoning Ordinance. The continuation of
construction and conversion would not be
within the best interest of the community,
and the granting of this request could
threaten the stability of the area.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1390

An appeal by Donald Cashman to erect a home addition and attached garage reducing the side yard from the required 10% or 7 ft. 3 in. to 3 ft. 5 in., contrary to the requirements of Section 36-44.(3) of the Zoning Ordinance in an "A" One Family Residence District at 2232 Wabash Road. The Zoning Ordinance requires a side yard of not less than 10% of the average width of the lot. The petitioner was present. A letter of protest filed with the Planning Department on August 4th by the Charles R. Green Realty Co. was read. The appellant advised that he had tried to purchase some of the land.

There were no further objections.

It was moved and seconded that the appeal be denied. Based on findings that the granting of this variance would allow a special privilege inasmuch as the proposed addition could be attached to the rear of the present structure. Sewers will be provided within the next two years. Water facilities are usually installed about the same time sewer facilities are provided. The proposed construction near the property line could impair light and air to the adjacent property thus eliminating an eventual cause for blight. The need for the present drainfield a purported cause of hardship.

Motion failed to carry by the following vote:

Yeas: (5).

Nays: (1).

Appeal was not granted. (Six (6) votes required to grant a variance or exception from the regulations in the Zoning Ordinance).

No. 1391

An Appeal by Frank Basel to convert an open front porch into an enclosed porch extending beyond the established set-back line but no further than the present open front porch contrary to the requirements of Section 36-44.(4) of the Zoning Ordinance in the "B" One Family Residence District at 1520 New York Avenue. The Zoning Ordinance does not allow building ahead of the established set-back line.

The petitioner was not present.

There were no objections.

It was moved and seconded that the appeal be granted under Section 36-12.(6) provided adequate footing as determined by the Building Inspector is developed and proving the present use of this lot is not extended in any manner. The Board finds that the neighborhood and this dwelling in particular need intensive attention to

maintain a healthy livable environment and prevent premature blight. Enclosure of the porch would not be detrimental to light, air, and view of surrounding property. Properly executed, this enclosure would enhance the neighborhood and thus contribute to the general welfare. The lot is small in comparison with today's standards but requested variance does not reduce the present usable yard space.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1392

An appeal by Standard Oil Company to erect a trash enclosure wall and gasoline pump island on "J" parking area contrary to Section 36-41.(4) of the Zoning Ordinance in a "J" Parking District at 601 W. Allegan Street. The Zoning Ordinance prohibits any use other than vehicle parking in the "J" Parking District. Mr. John Pangborn, representing Standard Oil Company of Detroit was present and stated that they would like to remove the old house and black top the area with ingress and egress to the island from Pine Street. He presented a drawing. He stated that now they can come in and out on Pine Street only. They would like to park cars on the black top. He showed a photograph of the trash burner which is of metal and porcelain material.

There were no objections.

Motion and seconded that the appeal be granted under Section 36.12.(7) provided that screening to consist of a 5 ft. cyclone type fence with interwoven redwood slats on the south line of the "J" parking area, except for the established building set-back line on Pine St. with a minimum 2/10 lumens light per sq. ft. so directed and shielded on the parking area, as not to affect adjacent property owners is installed.

This recommendation was based on the findings that the future development of the land surrounding the New Capitol Complex is presently under critical review. The possible redevelopment or alteration of this use may be required at some future date.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1393

An appeal by Russell Bentley to erect a side addition and attached garage reducing the side yard from the required 10% of the lot width, 8 to 3.7, contrary to the requirements of Section 36-44.(3) of the

Zoning Ordinance. The Zoning Ordinance requires a side yard of not less than 10% of the average width of the lot in a "B" One Family Residence District at 827 N. Logan St. Mrs. Bentley was present. Mr. Harold Cameron representing Mr. W. L. Cameron of 510 W. Miller Rd. appeared but had no objections.

Motion and seconded that the appeal be denied based on the findings that:

The property measures 231 ft. x 80 ft. containing approximately 18,480 sq. ft. This variance would not be in keeping with the general purposes and intent of the Zoning Code and would merely serve as a convenience to the applicant. The applicant has other alternatives without going before this Board. Due to the width and depth of the property and location of the existing structure, he could build the additional living quarters as proposed with a one car garage and still maintain the required side yard; add on the living quarters to the rear of the residence with a two car garage built on the East side; add living quarters where not proposed, and erect either a one or two car garage whichever is desirable, to the rear of the residence.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1394

An appeal by Clarence Vincent to convert an open front porch into an enclosed porch extending beyond the established set-back line but no further than the present open porch contrary to the requirements of Section 36-44.(4) of the Zoning Ordinance. The Zoning Ordinance does not allow building ahead of the established set-back line in an "A" One Family Residence District. Property is located at 4628 Donald Street. Mr. Bob Krueger, contractor was present and advised that he was inserting windows and combinations on the structure and there would be no new construction. There were no objections.

Motion and seconded that the appeal be denied based on the findings that the property measures 150 x 45 ft. containing approximately 6,750 sq. ft. Owner has stated on his appeal that he would like to enclose the front porch to provide additional room for his family. The residential structures in this area are so developed that front porches are NOT a part of the structure. This enclosure would reduce the view of the adjacent residential properties. It is believed that there is not a hardship in this case and would not be in

keeping with the general purpose and intent of the ordinance, but would merely be a convenience to the applicant.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1395

An appeal by Nora Rashid to erect a vestibule addition to bowling alley reducing the front yard from 20 ft. 0 in. to 14 ft. 6 in. contrary to the requirements of Section 36-50.(4) of the Zoning Ordinance upon the premises at 1808 W. Saginaw Street, property is zoned "F" Commercial. Section 36-50.(4) requires a front yard of 20 ft. 0 in. Mrs. Nora Rashid appeared and stated that the addition was needed because the door opens directly into the outside. Mrs. Rashid's son, John, appeared and stated during the winter the women bowlers complain of the blast of cold air that hits them every time the door opens.

There were no objections.

Moved and seconded that the appeal be approved under Section 36-12.(7) based on the findings that the addition would not impair light and air to the adjacent properties for the addition is considerably smaller than the original structure. The uses on either side of this building are commercial facilities and the addition should not be detrimental to either.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

Mr. Houston stated that on behalf of the Board, he wanted to thank Mr. Jones and Mr. Kelley for serving as Chairman and Vice-Chairman during the past year.

Mr. Houston suggested that the Board members read the Rules of Procedure for the Board of Appeals and report back at the next meeting if felt there should be any changes.

Motion by Mr. Gaus, seconded by Mr. Butterfield that the meeting be adjourned.

Meeting adjourned at 8:50 P.M.

RAYMOND C. GUERNSEY,
Secretary.

B

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, September 10, 1964

Court Room No. 1
City Hall
Lansing, Michigan

The Public Hearing was called to order
by Chairman John Houston at 7:30 P.M.

ROLL CALL

Present: Messrs. Alfaro, Bennett, Gaus,
Houston, Jones, Keep, Kelley - 7.

Absent: Mr. Butterfield—1.

Motion that the minutes of the meeting
of August 13th be approved.

No. 1396

An appeal by Clode Trudo to convert an open front porch into a glass enclosed porch extending beyond the established set-back line but no further than present open porch contrary to Section 36-45.(4) of the Zoning Ordinance in the "C" Two Family Residence District at 534 S. Butler Blvd. Zoning Ordinance does not allow building ahead of the established set-back line. The petitioner was represented by his niece. There were no objections. Mrs. Leona Conner property owner of 916 Hillsdale called and stated she did not object.

It was moved and supported that the appeal be granted under Sections 36-12.(6) and 36-12.(7) of the Lansing Zoning Code providing adequate footings as determined by the Building Inspector are constructed. The Board found that the enclosure would not affect the adjacent properties of light, air and view and that the community welfare would be served in conserving property values in this area.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1397

An appeal by Paul E. Harp to erect a vestibule addition reducing front yard on

Atlas St. from 20.2 ft. to 15.8 ft. contrary to the requirements of Section 36-44.(4) of the Zoning Ordinance in the "A" One Family Residence District at 624 Loa St. Mrs. Harp was present and spoke in favor of her petition. There were no objections.

It was moved and supported that the variance be granted under Section 36-12.(7). The Board's findings were that there were two other properties on Atlas St. with vestibules, this addition would not obstruct the view of the other dwellings in this block.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1398

An appeal by Robert E. Smith to erect an addition to a nonconforming use and reduce side yard to south from 4 ft. 0 in. to 0 ft. 0 in. contrary to Section 36-42 and 36-52 of the Zoning Ordinance in an "A" One Family Residence District at 3511 N. East St. The Ordinance prohibits the extension of a building which is devoted to a non-conforming use and a 4 ft. 0 in. side yard is required when abutting residential property. The petitioner was present. He stated he had obtained a building permit from the township, but he did not get all of the footings in. The reason for the delay, the estimated contractor's costs were high and Mr. Smith had to revise his plans. He had asked for a side yard reduction from 4 ft. to 0 ft. but is willing to make a concession of 4 ft. Mr. Smith said he would like to get the building erected before the weather turns cold. He also explained the present building is over-crowded, there is not enough office and warehouse space.

There were no objections.

It was moved and supported that the appeal be granted. The Board found this property to be recently annexed to the city. The petitioner has submitted a petition for rezoning. This addition would enhance the surrounding area which is in need of new structures. This project should be started

before the cold weather impairs the rapidity of completion.

Motion carried by the following vote:

Yeas: (6).

Nays: (1).

No. 1399

An appeal by the Y.M.C.A. to erect an addition to existing Y.M.C.A. building to 4ft. from the side yard property line contrary to the requirements of Section 36-29 of the Zoning Ordinance in the "D-1" Professional District at 509 S. Walnut St. The Zoning Ordinance requires 10% of the width of the lot for side yard area. The petitioner, Mr. Fred Sloat business manager was present and stated an appeal had been granted but construction had been delayed by request of the United Community Chest, and the approval expired. Mr. Sloat has obtained permission from adjacent property owners for erection of this addition, the footings are not on their property. The addition will be enclosed, and will have an emergency exit only, there will be no windows to invade the privacy of the adjacent property owners. Mr. Sloat showed the preliminary plan and the floor plan of this project.

There were no objections.

It was moved and supported that the appeal be granted. Prior petition was granted by the Board of Zoning Appeals on March 14, 1963. The variance expires if building permit is not issued within six months and it becomes necessary to file a separate appeal.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

It was moved and supported that the requirements for Appeal No. 1392, Standard Oil Co. be changed and permission granted to erect a louvered redwood fence in lieu of the cyclone fence, height to be the same as that of the cyclone fence. This type fence was found to be less expensive than the cyclone fence.

Yeas: (7).

Nays: (0).

The meeting adjourned at 8:15 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, October 8, 1964

Court Room No. 1

City Hall

Lansing, Michigan

The Public Hearing was called to order by Chairman John Houston at 7:35 P.M.

ROLL CALL

Present: Messrs. Alfaro, Bennett, Butterfield, Gaus, Houston, Jones, Keep—7.

Absent: Mr. Kelley—1.

Motion and supported that the minutes of the meeting of Sept. 10, 1964 be approved.

A letter from Renaud Plastics concerning the disposition of Appeal No. 1352 was received and placed on file.

No. 1400

An appeal by Darwin C. Harrington to convert an open front porch into an enclosed porch extending beyond the established setback line, but no further than the present open front porch, contrary to Section 36-44.(4) of the Zoning ordinance in the "A" one family residence district, at 741 Jessop St. Zoning ordinance does not allow building ahead of the established setback line. The petitioner was present and stated he needed more play room area for his five (5) children during the winter months. He also has contracted for aluminum siding to improve the property. Mr. and Mrs. Frank Bullion, who live adjacent to the property protested. Their view will be blocked by this addition. They also stated the appearance of Mr. Harrington's property was ill kept and that he has unfinished projects started over a five year period. They would like to sell their house but it has depreciated in value because of Mr. Harrington's property. Mr. Gale Christensen 732 Jessop was also opposed to this petition, he stated that the appearance of the Harrington property was unsightly.

It was moved moved and supported that the appeal be denied. The Board found there was no evidence of hard ship or difficulty due to shape or topography of

lot as specified by the zoning ordinance. Field inspection and aerial photography reveal an established setback line existing along this side of the block, with few exceptions throughout the neighborhood.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1401

An appeal by Kenneth C. Black to erect a one family dwelling which will reduce the N.E. side yard from 12.9 ft. to 11.0 ft. contrary to Section 36-44.(3) of the zoning ordinance in the "A" one family district at 1501 Cambridge Rd. Ordinance requires that a side yard be provided on each side of a building which will equal 10% of the average width of the lot. The average width of this lot is 129.0 ft. Mr. Black the architect was present and stated the house would have no basement and one (1) corner of his house was in violation. He is asking to reduce the side yard to 11 ft., the deed restriction calls for 10 ft. He discussed the Gison house and its location with respect to the building code. If his appeal is not granted he will have to take off a corner of the house and alter the bedroom possibly making it bay shaped. He stated the neighbors have no objection to this project.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the zoning ordinance. The Board found this lot to be irregular in shape making it difficult to position a dwelling of the type built in this area and have adequate circulation space remaining. The side yard in question measures 11 ft. which is well over the minimum legal requirement. There is sufficient distance maintained between the dwellings of the abutting lots and the dwelling presently being built (70 ft. and 42 ft.). Therefore it was determined the adjacent property was not adversely affected.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1402

An appeal by H. J. Scherer to erect a public garage building and use this building as an accessory to a used car lot for the purpose of washing and polishing cars and the storage of cars contrary to Section 36-36.(15) of the zoning ordinance in the "F" commercial district at 2110-12-14 S. Cedar St. Zoning ordinance prohibits use as an accessory to a used car sales. The petitioner was present and stated he wished to erect an addition to the existing garage. He feels this is necessary because of the rapid growth of the used car industry. He has been in the car business for twenty five (25) years. Mr. Scherer is purchasing other property in the vicinity for expansion. Mrs. Marie Smith proprietor of Marie's Fashions in East Lansing owns the building next door and objected to the expansion. She stated his car lot had already ruined her business, thus having to close at this location. Marie Fashions is now operating from East Lansing. Her building is first rate and she has a nice black topped parking area which cost her approximately \$135,000. She stated Mr. Scherer's business is a maze of lights and signs with a volume of heavy traffic thus creating a high accident rate and the area is also contested in case of a fire. Mrs. Smith also stated she has been unable to rent her building because of the car lot, she had doctors offices, also a beauty shop, the doctors have moved out deeming this location to be undesirable. Mr. Bruce Maguire owner of property near Cedar and Riley stated by letter he has no objections. Mr. Ward A. Pifer owner of property at 405 Riley St. stated by letter that he objects to this addition, it would be a fire hazard to the surrounding properties.

It was moved and supported that the appeal be denied. The Board found the use that would be allowed would not be in keeping with the general purpose and intent of the ordinance. The Zoning Primer by Rady and Smith state "Good variances require that there must be a proved hardship." It is proved by the showing beyond a doubt of the inability to make reasonable use of the property under the existing terms of the ordinance. There is a lack of demonstrated hardship as specified in the zoning ordinance.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1405

An appeal by Edward F. Carlton to erect a glass enclosed front porch extending beyond the established setback line but no further than the existing porch, which will be removed, contrary to Section 36-45.(4) of the zoning ordinance in the "C-2" family residence district at 915 Hickory St. Zoning ordinance does not allow building ahead of the established setback

line. The petitioner was present. He stated he would like to replace the front porch, also this would improve the property. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the Lansing Zoning Code providing adequate footings as determined by the Building Inspector are constructed. The Board found that the enclosure will not adversely affect the adjacent property owners rights or be detrimental to the area in any manner.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1406

An appeal by Eppler and McCarrick to erect and use building for light repair, washing and general care of used cars to be sold on the premises contrary to Section 36-36.(15) of the zoning ordinance in the "F" commercial district at 1014-16 S. Washington St., zoning ordinance prohibits garages as an accessory to a used car lot. The petitioner was present and stated he had purchased all old properties in the area for his lot. The renters have no place to work on used cars. He has had a big turn-over of renters for this operation, the last person moved to Mr. Maquire's lot where Maguire had the privilege of erecting a building on his lot. The present renter is threatening to move very soon if something is not done about the situation. Mr. Maguire wrote a letter to the Appeal Board in favor of Mr. Eppler's project. There were no objections.

It was moved and supported that the appeal be denied. The Board found a lack of hardship to exist as defined by the Zoning ordinance. A zoning district of "H" light industry would be required to permit the use applied for as the project is contrary to the intent of the zoning ordinance to maintain a less intensive use in this zoning district. Recent actions of the City Council and the Planning Board have been toward a less intensive use in the nearby area.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1407

An appeal by Vernon J. Andrews to remodel and add to non-conforming use and reduce rear yard from 15 ft. 0 in. to 4 ft. 9 in. contrary to Sections 36-42 and 36-46.(2) of the zoning ordinance in the "D-M" multiple dwelling district at 426 Ottawa St. Section 36-42 of the zoning ordinance pro-

hibits structure alterations to non-conforming use building and Section 36-46.(2) requires a rear yard of 15 ft. 0 in. The petitioner was present and made an apology for starting this project before obtaining a building permit. He stated the work is practically completed and the addition is a nice one. It is now fire-proof, aluminum siding has been added, also a new electrical system has been installed. If not granted this would prove a hardship as the project is almost completed. This project will also prove to a better tax base. Mr. Andrews also stated he was using the building for law offices. He was under the impression he could use the permit previously appealed for by Mr. Potter who owned the building prior to Mr. Andrews. There were no objections from the neighbors. The Board considered the following factors affecting the petitioned appeal:

1. Lack of demonstrated hardship as specified in the zoning ordinance.
2. Lack of parking for facility and uses.
3. The building is a non-conforming use and if granted this appeal would violate the intent of the zoning ordinance.
4. The location of the project in relation to the State Capitol and need for rational development in the area to prevent congestion and promote development in the best interest of the general welfare.

It was moved and supported that the appeal be granted as the Board found Mr. Andrews had almost completed this project.

Mr. Houston abstained from voting.

Motion lost by the following vote:

Yeas: (2).

Nays: (4).

It takes a two thirds majority to pass a motion, the appeal therefore was not granted.

No. 1408

An appeal by Dr. R. Scheidt to alter and convert attached garage for office use reducing rear yard from 15 ft. 0 in. to 3 ft. 0 in. contrary to he requirements of Section 36-47.(2) of the zoning ordinance in the "D" apartment district at 1133 Seymour St. Zoning ordinance requires a 15 ft. 0 in. rear yard for the main building. Garages are permitted to be located in the rear yards. Mr. Roger Zona 1223 Westmoreland the designer was present and stated this project was located adjacent to a private dwelling, would enhance the appearance of the building and parking spaces will also be added by this variance. Mr. Clay Campbell the petitioner's attorney stated Dr. Scheidt had acquired the property a few years ago. He is not asking for an expansion, he wants to use the exist-

ing garage only for office space. Mr. and Mrs. Clyde Exelby 1125 Seymour St. stated they were against the appeal. There is too much traffic and Dr. Scheidt doesn't have enough off-street parking. Within a period of three days there were three accidents within the vicinity, also approximately 852 patients have visited the doctors office within a week. Dr. Scheidt's parking lot has eleven parking spaces, which are used by the employees instead of the patients. Mr. and Mrs. Arthur Davis 1110 Seymour objected, stating off-street parking should be provided. Mrs. Elna Hath 1122 Seymour stated traffic was too heavy, it was unsafe for children in the neighborhood. Mrs. Harry Taylor 1109 Seymour stated private driveways had been blocked, in case of fire no fire truck would be able to get through. Also the neighborhood was unsafe for small children. A petition was submitted by this group with signatures of the neighbor's protesting this project.

It was moved and supported that the appeal be denied. The Board believes in this instance this variance would constitute a special privilege and cannot be construed as a hardship. This would not be in keeping with the general purpose and intent of the zoning code. This variance would allow expansion of a use that does not have adequate room for expansion and the necessary provisions for off-street parking. The Board further recommends that the appellant acquire additional land for off-street parking.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

No. 1409

An appeal by Naph-Sol Refining Co. to expand present facilities of a building in a legal non-conforming business operation contrary to requirements of Section 36-34 of the zoning ordinance in the "E-1" drive-in district at 2800 S. Cedar St. Mr. C. E. Jackman, real estate manager represented the company. He stated his client wanted to start a modernization program that would improve the property. This variation would not cheapen nor infringe on the rights of the neighboring properties. There were no objections.

It was moved and supported that the appeal be tabled pending a filing for rezoning by the applicant.

Motion carried by the following vote:

Yeas: (7).

Nays: (0).

The meeting adjourned at 9:15 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, November 12, 1964

Court Room No. 1

City Hall

Lansing, Michigan

The Public Hearing was called to order by Chairman John Houston at 7:35 P.M.

ROLL CALL

Present: Messrs. Alfaro, Gaus, Houston, Jones, Keep, Kelley—6.

Absent: Messrs. Bennett and Butterfield—2.

It was moved and supported that Appeal No. 1409 be taken from the table.

Motion carried unanimously.

No. 1409

A tabled appeal by Naph-Sol Refining Company to expand present facilities of building a legal non-conforming business operation contrary to Section 36-34 of the Zoning Ordinance in the "E-1" drive-in-district at 2800 S. Cedar Street. Zoning Ordinance prohibits service stations in the "E-1" district.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the Lansing Zoning Code as a demonstrable hardship created by legal action.

Lost by the following vote:

Yeas: (4).

Nays: (2).

No. 1410

An appeal by Dr. Ernest E. Viancour to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 3370.1 sq. ft., contrary to Section 36-50.(5) of the Zoning Ordinance in the "F" commercial district,

at 2001 S. Cedar St. Dr. Viancour was present and stated he was not making any money on the property in its present use. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code to relieve a practical problem and serve the goals of the ordinance.

Motion failed to carry by the following vote:

Yeas: (5).

Nays: (1).

Appeal was not granted (6) votes required a variance or exception from the regulations in the Zoning Ordinance.

No. 1411

An appeal by Claude E. Jackson to erect a one family dwelling reducing the west front yard from the required 25 ft. to 21.9 ft. contrary to Section 36-44.(4) of the Zoning Ordinance in the "A" one family district at 1306 Homer Street. Mr. Jackson was present. He stated this house would be on a corner lot and the neighbors did not object, original stakes had been moved.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code. The Board found that the unusual circumstances that have taken place as described by the applicant are considered justifiable reason for granting of variance and variance will not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: (6).

Nays: (0).

No. 1412

An appeal by Susie Stephens to convert an open front porch into a glass enclosed porch extending beyond the established setback line but no further than the present

open front porch contrary to Section 36-45.(4) of the Zoning Ordinance in the "C-2" family district at 1803 Linval Street. The Zoning Ordinance does not allow building ahead of the established setback line. The petitioner was not present. There were no objections. Mr. Adolph Semrau 1820 Bailey St. wrote a letter asking why the porch was already enclosed.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code providing adequate footings as determined by the Building Inspector are constructed. The Board found other enclosures of a similar nature to be in the general area.

Motion carried by the following vote:

Yeas: (6).

Nays: (0).

No. 1413

An appeal by Elvin Montgomery to convert an open front porch into a glass enclosed porch extending beyond the established set back line but no further than the present open front porch, contrary to Section 36-44.(4) of the Zoning Ordinance in the "B" one family dwelling district at 519 N. Francis St. Zoning Ordinance does not allow building ahead of the established setback line. The petitioner was present and stated he wanted the enclosure so as to keep out the snow and rain. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code providing adequate footings as determined by the Building Inspector are constructed. The Board found this variance will in no way reduce light, air or view to adjacent properties or have any affect on the general welfare.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1414

An appeal by the Catholic Diocese of Lansing to erect a school addition to an existing church reducing the side yard from the required 31.47 ft. to 23 ft. 3 in. contrary to Section 36.44.(3) of the Zoning Ordinance in the "B" one family district at 727 W. Sparrow Ave. Zoning Ordinance requires a side yard having a width of not less than 10% of the lot width. Mr. Bill Kane of the Manson-Jackson-Kane Architects stated the church now owns a total of 315 ft. with the additional purchase. They are removing some houses for

this project. Eight class rooms are to be added with possibly four to eight teachers. There will also be one additional row of parallel parking. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code. The Board believes that an unusual practical difficulty exists and granting of the variance will not adversely affect any adjoining property or the general welfare. The Board recommends necessary steps be taken to acquire additional off-street parking and playground area.

Motion carried by the following vote:

Yeas: (6).

Nays: (0).

No. 1415

An appeal by William B. and Craig Wotring to erect a building to be used for muffler sales and service, contrary to Section 36-36 of the Zoning Ordinance in the "F" commercial district at 3800 S. Logan St. Zoning Ordinance does not allow public garages in the "F" commercial district. Mr. W. Wotring stated that the variance was similar to the one appealed for previously on E. Michigan Ave. The variance in question is on property located next to Kitchens Restuarant. Some of the frontage has been sold to the State Highway Department for right-of-way on Logan St. Mr. Donald Spanburg 1213 Pompton Circle requested information concerning the appeal. He quoted Mr. Noel Maxam (developer) saying that, he would get professional buildings in the area not commercial projects, and wondered why a muffler shop was being erected in the area. There is already a gas station in the area which is an all night operating station, making the area quite noisy. Mr. Spanburg stated he thought this muffler service would be noisy also.

It was moved and supported that this appeal be granted under Section 36-12.(7) of the Lansing Zoning Code as a demonstrable hardship is involved. The Board found a petition for rezoning had been filed, and a similar variation was granted the petitioner at 2213 E. Michigan Ave. This variance will terminate with the disposition of the property or business by the applicant.

Motion carried by the following vote:

Yeas: (6).

Nays: (0).

No. 1416

An appeal by Clark D. Ash to enclose an attached garage and erect a carport adjacent thereto, contrary to Section 36-21

of the Zoning Ordinance in the "C-2" family residence district at 908 N. Capitol Ave. The Zoning Ordinance states a 25% requirement is not to be exceeded for a home occupation. Mr. John Cote' attorney for the petitioner was present and displayed five (5) pictures. 1. Area sought to be enclosed. 2. Rear of house and driveway, overall 258 sq. ft. 3. Opening 4. Interior 5. How opening is set back in. He stated Mr. Ash orders large quantities of merchandise and needs area for his reserve supplies. He does not sell over the counter but delivers by station wagon or parcel post. His office is used for book keeping only. This is a two family district, there is only one family residing at this residence, therefore he needs no extra parking. There is to be no addition in the foundation area, black topping, vehicular traffic or pedestrian traffic. Mr. Ash is abiding by the zoning code in that his sign is a conservative one that is one sq. ft. in size. He has operated from this location for the past five years and has lived in Lansing for thirteen years. Mr. Ash mother-in-law helps with this home occupation also. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the Lansing Zoning Code. The Board found the size of the lot to be sufficient to provide light, air, and circulation to permit the enclosure of the garage for office supplies and to erect a car port. The present "C-2" family zoning permits two families and a home occupation. This variance it to terminate with the removal of sale of business or sale of property.

Motion carried by the following vote:

Yeas: (6).

Nays: (0)

No. 1417

An appeal by Earl Coy to erect a front addition extending beyond the established setback line but no further than the present open front porch, contrary to Section 36-44.(4) of the Zoning Ordinance in the "B" one family residence district at 908 Pacific St. Ordinance does not allow building ahead of the established setback. The petitioner was not present. There were no objections. Mrs. Tollie Thompson 911 Edison Ave. wrote a letter stating she had no objections, and Mr. Henry K. Sonderhoff 912 Riley St. called in and stated he did not object.

It was moved and supported that the appeal be granted. The house next door has a closed in porch, this enclosure would not be detrimental to the neighborhood.

Motion lost by the following vote:

Yeas: (4).

Nays: (2).

No. 1419

An appeal by Tim Hodge and Stanley Gifford to erect an office building which would reduce the front yard setback from 20 ft. 0 in. to 10 ft. 0 in., contrary to Section 36-50.(4) of the Zoning Ordinance in the "F" commercial district at 1601 E. Grand River Ave. Ordinance requires a front yard setback of 20 ft. 0 in. The petitioners were present. Mr. Gifford presented a report on the condition of the soil at this location, stating there is a high percentage of muck condition in the soil, thus causing them to build on the safest portion of the lot which is closer to the front. There was a service station built on the lot in 1948. The back end of lot had dropped and the front end is still in tact. This building will be used for storage. There would be no parking in the front of the new building, at the rear only. Mr. Hodge stated the premises would be nicely landscaped with a planter area to enhance the building. Mr. Sherman Hicks 1510 Sheridan St. asked about the landscaping and what kind of machines. Mr. Hyrtl C. Feeman 928 Green St. stated the accident rate at the corner of Green and Grand River is very high. The company does have a problem, with the building located to the front visibility will be very poor. Mr. George Kraynack, 935 Green St. stated driving is very hazardous at this corner. Mr. William J. MacArthur 936 Green St. stated a problem existed for a number of years. We would like to improve this corner but we do not want this office building to obstruct the view. Mr. Harold MacDiarmid 1565 E. Grand River stated he lives on Grand River. Traffic travels at a high speed. Recommends a light be placed at this corner.

It was moved and supported that the appeal be denied. After further discussion by the Board it was moved that the appeal be tabled for further study by the Planning Staff.

Motion carried unanimously.

A letter from Eppler and McCarrick was read. There was no action taken by the Board. The matter was placed on file.

The meeting adjourned at 9:00 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, December 10, 1964

The Public Hearing was called to order by Chairman John Houston at 7:25 P.M.

ROLL CALL

Present Messrs. Alfaro, Bennett, Gaus, Houston, Jones, Keep, Kelley—7.

Absent: Mr. Butterfield—1.

Motion by Gaus and supported by Jones that the minutes of the meetings of October 8th and November 12th be approved.

Motion carried unanimously.

It was moved and supported that Appeal No. 1419 be taken from the table.

No. 1419

A tabled appeal by Tim Hodge and Stanley Gifford to erect an office building which would reduce the front yard set back from 20 ft. 0 in. to 10 ft. 0 in., contrary to Section 36-50(4) of the Zoning Ordinance in the "F" commercial district.

It was moved and supported that the appeal be granted. The Lansing Traffic Department assured the Board that the sight distance would not be adversely affected. The Board recommends that the appellant comply with the following conditions:

1. That there be one accessible (10 x 20) parking space provided on the premises for every 300 sq. ft., of floor area.
2. Screening to consist of a cyclone type fence 3 ft. in height with 5 ft. high dense evergreen plantings of the same height or a redwood or cedar louvered fence 5 ft. in height with boards running perpendicular to the ground, where the

property abuts "A" residential, except for the established building setback along Grand River, also low evergreen planting along the front property line, except at ingress and egress points.

Motion carried by the following vote:

Yeas—6.

Nays—1.

It was moved and supported that appeal No. 1410 be reconsidered for re-hearing.

No. 1410

An appeal by Dr. Viancour to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 3370.1 sq. ft., contrary to Section 36-50.5 of the Zoning Ordinance in the "F" commercial district at 2001 S. Cedar St. Attorney Hutter represented Dr. Viancour. He explained he had a witness to this type of problem, Mr. George Schram 718 Hogsback Road, Mason, Michigan. Mr. Schram is presently employed at Midway Realty as a real estate salesman, prior to that he was employed by Hacker Realty and Noble Realty Companies. Mr. Hutter stated Mr. Schram has examined Dr. Viancour's property and found the present use which is a one family and doctor's office to be unsuitable. The traffic is heavy in this vicinity (backing up on Cedar St.) There is no parking space on Cedar St. There is parking area on Florence but this is usually taken by other people in the vicinity. A business cannot be conducted if the public cannot be reached, therefore the only feasible use for the property is residential. The east end of lot has enough area to park two cars. It is 33 ft. wide, the west end is 34 ft. wide, the north end 160 ft. and the south end 103.59 ft. This lot is void of parking facilities on the street for a business use. Dr. Viancour has moved his business from this location and has listed the property as commercial and has been unable to sell it for this purpose. Dr. Viancour will be unable to pay his taxes and mortgage notes if this property is not permitted for two family use. Since he moved from this location his practice has revived.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code to relieve a practical difficulty. The community's needs is to curtail the amount of strip commercial usages that have been attracted to the main thoroughfares thus reducing their ability to function as a mover of traffic.

Motion carried by the following vote:

Yeas—7.

Nays—0.

No. 1420

An appeal by Paul V. Spagnuolo to erect a new four (4) family apartment building reducing the lot area from the required 4000 sq. ft. to 3,172 sq. ft., contrary to Section 36-46.(5) of the Zoning Ordinance in the "D-M" multiple dwelling district, at 527 W. Shiawassee St. Mr. Paul Spagnuolo was present and stated he was approached by Building Inspector in regards to the condition of the building. He would like a new building, this would upgrade the property. The present building has bad wiring and the footings are bad also, and it is not worth the cost of remodeling.

The City owns 5½ ft. on the Pine St. side of his property and 7½ ft. on the Shiawassee side, he has enough room to park three (3) cars in back of the building and will use the driveway for a permanent parking space for one car. Mr. H. C. Bond 419 N. Pine St. was against this appeal. He explained he hoped the parking problem would be taken care of, he would like to see the cars parked behind the building, does not want the cars to be parked between the building and the sidewalk. He also wanted to know if the cars would protrude from behind the building. Mr. Ralph Spagnuolo 2620 Hopkins Ave. explained the plot plan.

It was moved and supported that the appeal be granted, the Board found a contradictory situation in which the area is zoned apartment and individual lots do not lend themselves to this type of development. The variance is in harmony with the general intent of the ordinance provided that yard requirements are met in all other respects such as adequate parking facilities.

Motion carried by the following vote:

Yeas—7.

Nays—0.

No. 1421

An appeal by Lyle Sherman to erect a one family dwelling reducing the front yard on Shubel Ave. from the established setback of 31 ft. 0 in. to 29 ft. 0 in. and reducing the front yard on Parkdale St. from 25 ft. 0 in. to 20 ft. 0 in., contrary to Section 36-44.(4) of the Zoning Ordinance, in the "A" one family district, at 1525 Shubel Ave. The builder Donald Forsman was present. He explained the house plan was tried from all angles and the only type of house that could be built is a cape cod that would fit on this lot. There were no objections.

It was moved and supported that the appeal be granted. The Board found an unusual practical difficulty to exist because of the irregular shape of lot and believes that this variance will not seriously affect the adjoining property or the general welfare.

Motion carried by the following vote:

Yeas—7.

Nays—0.

No. 1422

An appeal by Howard E. Miller to erect a one family dwelling reducing the west side front yard from the required 25 ft. to 20 ft. and the side yard from the required 9 ft. to 5 ft., contrary to Section 36-44.(3) and (4) of the Zoning Ordinance in the "A" one family residence district, at Lot No. 14 except the east 10 ft., McCurdy's Acres. The petitioner was not present. There were no objections.

It was moved and supported that the appeal be denied under Section 36-12.(7) of the Zoning Code. The appeal must be based on difficulties and hardships and not as a matter of convenience.

Motion carried by the following vote:

Yeas—7.

Nays—None.

No. 1423

An appeal by Frank Shaw to convert an open front porch into a glass enclosed porch extending beyond the established setback line but no further than the present open front porch, contrary to Section 36-45.(4) of the Zoning Ordinance in the "B" one family district, at 1007 Princeton Ave. The petitioner was not present. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code providing adequate footings as determined by the Building Inspector are constructed. The Board believes that this variance will in no way reduce light, air or view to adjacent properties or have any serious affect on the general welfare.

Motion carried by the following vote:

Yeas—7.

Nays—None.

No. 1424

An appeal by Allen Leepa to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4000 sq. ft. to 3,168 sq. ft., contrary to Section 36-47.(5) of the Zoning Ordinance in the "D" apartment district, at 609 W. Shiawassee St. The petitioner

was present. He stated it would be advantageous to have a two family dwelling at this location rather than a four family unit. Parking will be at the west side of the building which will accomodate approximately three (3) cars. Mr. Paul Spagnuolo owner of property at 527 W. Shiawassee St. was in favor of this variance. Mr. S. Kempler 600 W. Shiawassee had no objections and Mr. Jay Gunneman 3319 Sunny Lane is in favor of this appeal. Mr. H. C. Bond 419 N. Pine St. was concerned about the parking facilities, asking if the parking would be behind the building line. He does not want parking between the house and street.

It was moved and supported that the appeal be granted. The Board believes this variance would help to alleviate the congested parking situation in the general area.

Motion carried by the following vote:

Yeas—7.

Nays—None.

No. 1347

An appeal by Francis Fine to renew a time extension on Appeal No. 1347 granted February 13, 1964. This appeal is to erect a 100 sq. ft. sign on any lot in Somerset Subdivision where no homes are erected or on a lot where a model is open for a period not to exceed two years, contrary to Section 36-17 of the Zoning Ordinance in the "A" one family residence district, at Somerset Subdivision.

It was moved and supported that the appeal be tabled until completely processed as the general area of the subdivision is no longer vacant and there is a time element involved.

Motion carried by the following vote:

Yeas—7.

Nays—None.

Meeting adjourned at 8:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.